IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION Nos .7577 & 7902 OF 1999, 20549, 20552 & 20945 OF 2004,

WRIT PETITION NO : 7577 of 1999

Between:

1. Syed Abdul Alam, S/o.late S.A.Sattar,
   Age:42 yrs, Sub-Inspector of Police, Tuggali Police Station,
   Kurnool District.
2. Sk.Ameer Basha, S/o.Late Kasim Saheb,
   Age:44 yrs, Sub-Inspector of Police, Owrakal Police Station,
   Kurnool District.
3. K.R.Sivakumar, S/o.Ramaiah,
   Age:44 yrs, sub-Inspector of Police, Holigunda Police Station,
   Kurnool District.

..... PETITIONERS

AND

1. The Government of Andhra Pradesh,

Rep. by its Principal Secretary, Home (Police) Department,

Secretariat, Hyderabad.

2. The Director General and Inspector General of Police,

Andhra Pradesh, Saifabad, Hyderabad.

3. The Deputy Inspector General of Police, Kurnool, Kurnool Range,

Andhra Pradesh.

4. The Superintendent of Police, Kurnool District.

5. S.Abdul Kareem, S/o.S.Abdul Sattar,

Age:48 yrs, O.S. Sub-Inspector of Police, attached to Durvesi Police

Station, Panyam Circle, C/o.Dy.S.P. Nandyal, Kurnool District.

6. B.guruvaiah, S/o. Not known, Assistant Sub-Inspector of Police,

C/o.C.I. IV Town, Kurnool Disssrict.

7. Y.Balanaganna, S/o.Naganna, O.S.Sub-Inspector of Police,

Attached to D.S.P. Allagadda, Kurnool District.

8. M.Maddaiah, S/o.Madduleti,

Age:51 yrs, O.S.Sub-Inspector of Police,

C/o.D.S.P., Kurnool district.

9. K.Pulla Reddy, S/o.Pedda Sidda Reddy,

Age:52 yrs, O.S.S.I., Vigilance and anti Power Theft Squad P.S.,

APTRANSCO, APCPDCL, Kurnool.

10. G.Chalapthi, S/o.G.P.Lakshmaiah,

Age:47 yrs, O.S.S.I. Vigilance and Anti Power Theft Squad PS.

APTRANSCO, APCPDCL, Kurnool.

(Impleaded as Respondents 9 and 10 as per Court order dated

2004. In WPMP.No.14854 of 2002).

11. U.Suryanarayana, S/o.U.Balaveera narayana,

Age:41 yrs, S.I. of Police,

Kurnool I Town PS, Kurnool District.

12. .Muralidhar, S/o.G.Srinivasulu,

Age:37 yrs, S.I. of Police, III Town P.S., Kunool Town.

13. A.Ramachandra, S/o.A.Dastagiri,

Age:41 yrs, S.I. of Police, gone Gondla P.S. (V) & (M), Kurnool

District.

14. .Narayana Swamy Reddy, S/o. V.Thippa Reddy,

Age:39 yrs, S.I. of Police,

Pullampeta, Kadapa District.

15. K.Ravi Kumar, S/o.Narayana Swamy,

Age:41 yrs, S.I. of Police,

C.K.Dinne P.S. Kadapa District.

16. G.Ramakrishnaiah, S/o. G.Govindappa,

Age:42 yrs, S.I. of Police,

Uravakonda P.S., Ananthapur district.

(Impleaded as Respondents 11 to 16 as per Court order dated

14.12.2004 in WPMP.No.8693 of 2002)

.....**RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction declaring the orders of the Hon'ble Tribunal in O.A.No.5575 of 1996 and batch dated 22.03.1999 as illegal and consequently set aside the same.

Counsel for the Petitioners: MR.K.ANANTHA RAO

Counsel for the Respondent Nos.1 to 4: GP FOR SERVICES-1

Counsel for the Respondent Nos.5 to 8:MR. P.SURESH REDDY

Counsel for the Respondent Nos.9 and 10: MR.VV.NARASIMHA RAO

Counsel for the Respondent Nos:11 to 16:MR.P. SRINIVASULU

WRIT PETITION NO : 7902 of 1999

Between:

1. V.M.Prasada Reddy, S/o.Munireddy,

42 yrs, Sub-Inspector of Police (VR),

Kurnool.

2. K.Nageswara Rao, S/o.Ramana,

42 yrs, Sub-Inspector of Police, Maddikera Police Station,

Kurnool District.

3. Y.R.Srinivasa Reddy, S/o.Rami Reddy,

41 yrs, Sub-Inspector of Police, (VR)

Kurnool.

4. V.Krishnaiah, S/o.V.Sivanna,

50 yrs, Sub-Inspector of Police (VR)

Kurnool District.

5. G.Idur Saheb, S/o.Hussain Saheb,

41 yrs, Sub-Inspector of Police,Gudur Town.

6. M.Madduleti, S/o.M.P.Madduleti,

47 yrs, Sub-Inspector of Police, Adoni, II Town P.S. Kurnool

7. G.Ratnaswamy, S/o.G.Abraham,

49 yrs, sub-Inspector of Police, K.Nagalapuram P.S.

Kurnool District.

..... PETITIONERS

AND

1. The Government of Andhra Pradesh

   Rep. by its Principal Secretary, Home (Police) Department,

   Secretariat, Hyderabad.

2. The Director General and Inspector, General of Police,

   Andhra Pradesh, Saifabad, Hyderabad.

3. The Deputy Inspector General of Police,

   Kurnool, Kurnool Range, Andhra Pradesh.

4. The Superintendent of Police, Kurnool,
Kurnool District.
5. D.Muthyala Naidu S/o.Hussainiah,
46 yrs, Sub-Inspector of Police, Veldurty P.S.,
Kurnool District.
6. S.Ranga Reddy, s/o.Bayapureddy,
44 yrs, Sub-Inspector of Police, C.Palagal P.S., Kurnool Dist
7. The Registrar, A.P. Admn. Tribunal, Nayapool, Hyderabad.
8. U.Suryanarayana, S/o.U.Balaveera Narayana,
41 yrs, S.I. of police, Kurnool I Twon P.S. Kurnool District.
9. D.Muralidhar, S/o.G.Srinivasulu,
37 yrs, S.I. of Police, III Town P.S.
Kurnool Town.
10. A.Ramachandra, S/o.A.Dastagiri,
41 yrs, S.I. of Police,
Gone Gondla P.S. (V) & (M)
Kurnool District.
11. V.Narayana Swamy Reddy, S/o.V.Thippa Reddy,
39 yrs, S.I. of Police,
Pullampeta, Kadapa District.
12. K.Ravi Kumar, S/o.Narayana Swamy,
41 yrs, S.I. of Police, C.K.Dinne P.S.
Kadapa District.
13. G.Ramakrishnaiah, S/o. G.Govindappa
42 yrs, S.I. of Polcie, Uravakonda P.S. Ananthapur Dist.
(Impleaded as respondents 8 to 13 as per Court order dated
14.12.2004 in WPMP.No.10036 of 2002)
14 Syed Mahboob Basha, S/o.Syed Hussain,
age 37 yrs, Sub-Inspector of Police, P.S,
Nalla Cheruvu, Ananthapur District.
15. Narsingappa, S/o.Narayanappa,

Age 40 yrs, Sub-Inspector of Police,

II Town Police Station, Ananthapur.

16 G.Veera Raghava Reddy, S/o.G.M.Subrahmanyam Reddy,

Age 36 yrs, Sub-Inspector of Police, Special Branch, Ananthapur.

17. Narsappa, S/o.Laxmaiah,

Age 42 yrs, Inspector of Police, C.I.D. (E.O.W.)

Lakdi-ka-pool, Hyderabad.

18. J.Venkatanarayana, S/o.Laxmanna,

Age 37 yrs, Sub-Inspector of Police,

Vigilance and Enforcement, Nizamabad.

(Impleaded as respondents 14 to 18 as per Court order dated

14.12.2004 in WPMP.No.15304 of 2003)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of certiorari calling for all connected records including the impugned judgment in O.A.No.5575 of 1996 and batch dated 22.03.1999 of the Hon'ble A.P.Administrative Tribunal, Hyderabad and the quash the same as illegal, improper, unjust, arbitrary and contrary to law.

Counsel for the Petitioner:MR.K.G.KRISHNA MURTHY

Counsel for the Respondent Nos.1 to 4 and 7:G.P. FOR SERVICES I.

Counsel for the Respodnent Nos.5 and 6:MR.V.V.NARASIMHA RAO

Counsel for the Respondent Nos.8 to 13: MR.P.SRINIVASULU

Counsel for the Respondent Nos.14 to 18: MR.P.SURESH REDDY

WRIT PETITION NO : 20549 of 2004

Between:

1. The Govt., of A.P., rep., by its Principal Secretary Home (Police)

Department Secretariat, Hyderabad.

2 The Director General of Police, A.P., Hyderabad.
3 The Inspector General of Police, L&O, R.R.Hyderabad.
4 The Dy.Inspector General of Police, Kurnool Range, Kurnool.
5 The Supdt. of Police, Kurnool District, Kurnool.

..... PETITIONERS

AND

K.Chennakesavaiah, Working as ASI (HC 619), Nandyal PS.,Kurnool

District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any writ or proceedings more particularly one in the nature of "WRIT OF CERTIORARI" calling for the records pertaining to the order passed on 20-01-2004 in O.A.No.8750/2001 on the file of the Hon'ble A.P.Administrative Tribunal, Hyderabad and quash the same as illegal and arbitrary.

Counsel for the Petitioners:G.P.FOR SERVICES-I.

Counsel for the Respondent:MR.V.V.NARASIMHA RAO

WRIT PETITION No. 20552 of 2004

Between:

1. The Govt., of A.P., rep., by its Principal Secretary Home (Police)

   Department Secretariat, Hyderabad.

2 The Director General of Police, A.P., Hyderabad.
3 The Inspector General of Police, L&O, R.R.Hyderabad.
4 The Dy.Inspector General of Police, Kurnool Range, Kurnool.
5 The Supdt. of Police, Kurnool District, Kurnool.

..... PETITIONERS

AND

1. K. Pulla Reddy, OSSI, Kurnool District.
2. G. Chalapathi working as OSSI in Vigilance & Anti Power
   Theft Squad PS, A.P. Transco, APSPDCL, Kurnool.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any writ or proceedings more particularly one in the nature "WRIT OF CERITIORARI" calling for the records pertaining to the order passed on 03-03-2004 in O.A.No. 9340/2001 on the file of the Hon'ble A.P. Administrative Tribunal, Hyderabad and quash the same as illegal and arbitrary and pass

Counsel for the Petitioners:G.P.FOR SERVICES-I.

Counsel for the Respondents:MR.V.V.NARASIMHA RAO

WRIT PETITION NO : 20945 of 2004

Between:

1 The Government of Andhra Pradesh, Rep. by its Principal Secretary, Home (Police) Department, Secretariat, Hyderabad.
2 The Director General of Police, Andhra Pradesh, Hyderabad.
3 The Inspector General of Police, L&O, RR, Hyderabad.

4. The Deputy Inspector General of Police, Kurnool Range, Kurnool.
5 The Superintendent of Police, Kurnool District, Kurnool.

..... PETITIONERS

AND

K. Suryanarayana.
CID, Anantapur District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any writ or proceedings more particularly one in the nature of "WRIT OF CERITIORARI" calling for records pertaining to the order passed on 03-03-2004 in O.A.No.2665/2002 on the file of the Hon'ble A.P. Administrative Tribunal, Hyderabad and quash the same as illegal and arbitrary

Counsel for the Petitioners:GP FOR SERVICES I

Counsel for the Respondent : MR.V.V.NARASIMHA RAO

The Court made the following Order:

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THE HON'BLE MR JUSTICE G. BIKSHAPATHY

AND
THE HON'BLE MR JUSTICE P.S.NARAYANA

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WRIT PETITION Nos .7577 & 7902 OF 1999, 20549, 20552 & 20945 OF 2004,

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COMMON ORDER: (per the Hon'ble Mr.Justice G.Bikshapathy)

1. All these writ petitions can be disposed of by a common order as common questions of law are raised.

2. The issue falls in a narrow compass. But, however, it was made wider and wider by continuing the litigation for years together.

3. The question that arises for consideration in this batch of cases is whether the impugned order of the Tribunal can be sustained, and if so, whether any further directions are needed to streamline the promotions from the category of Head Constables to Sub-Inspector in Zone-IV, consisting of Kurnool, Chittoor, Ananthapur and Kadapa Districts.

4. It is necessary to trace out the history of the litigation so as to appreciate the matter in a correct perspective. A.P. Police Sub-ordinate Service Rules (for short 'the Rules') contain the provisions relating to promotion to the posts of S.Is., RSIs., ARSIs and HCs. Under Rule 2(b) (1) of the said Rules, promotions to the aforesaid posts shall be made on the basis of merit and ability, seniority being considered only where merit and ability are approximately equal. It is also to be noted in this regard that the post of S.I. is a Zonal post. However, during the year 1988-1989, the Superintendent of Police, Kurnool had promoted 14 Head Constables to the posts of Sub-Inspectors on out of seniority basis without probationary rights. While so, the Government issued G.O. Ms. No. 585, Home (Pol.C) Department, dated 07.10.1991 bringing an amendment to Police Standing Order Nos.107 and 110 of A.P. Police Manual Part-I containing the provisions relating to promotion of Heads Constables as Sub-Inspectors. On account of the amendment to the Manual, in the place of merit and ability, seniority-cum-fitness came to be substituted as the criteria for promotion to the post of Sub-Inspector. Against the said amendment, certain individuals filed O.As. before the A.P. Administrative Tribunal on the ground that the A.P. State and Sub-ordinate Service Rules provided for promotion to the non-selection category or grade in accordance with seniority-cum-fitness, whereas the special rules provided for promotion to non-gazetted posts in Police Department on the grounds of merit and ability and thus the amendment issued in G.O.Ms.No.585, dated 07.10.1991 was not valid. The Tribunal, however, through its order dated 15.04.1994 in O.A. No. 5800 of 1992 and batch set aside G.O. Ms. No. 585, dated 07.10.1991 being inconsistent with the A.P. State and Sub-ordinate Service Rules. However, it was clarified by the Tribunal that if any Head Constable passed the initial tests contemplated by Rule 2(c) of the Rules held by D.I.G. in accordance with the requirement of the Rules, such persons should be sent for training. Subsequently, the Government issued G.O. Ms. No. 787, Home (Pol.C) Department, dated 16.11.1994, bringing an amendment to Rule 2(c) of the Rules by changing the method of recruitment from merit and ability to that of merit-cum-fitness. The said G.O. was given retrospective effect from 18.11.1990. Thereafter, the Government issued G.O. Ms. No. 215, Home (Pol.C) Department, dated 14.07.1995, bringing an amendment to Police Standing Order Nos. 107 and 110 of the A.P. Police Manual Part-I. As a consequence of the amendment, the persons, who were

promoted on out of seniority basis as S.Is., during 1988-1989 and who did not fulfill the conditions laid down for promotion to the posts of S.Is., were reverted by proceedings dated 25.10.1995 issued by the D.I.G. Kurnool Range, Kurnool and in their place 16 S.Is. were promoted according to the district seniority. Aggrieved by the said reversion orders, O.A. No. 5733 of 1995 and batch came to be filed by them before the A.P. Administrative Tribunal. However, the Tribunal, did not interfere with the reversion orders. Against the said order of the Tribunal, the reverted employees carried the matter to the Supreme Court in S.L.P. Nos. 604-06 of 1996. The Supreme Court, however, by an order dated 15.04.1996 allowed the appeals with the following directions:

> "In these cases we are not concerned with their contingencies. We are concerned with the reversions of the appellants from the post of Temporary O/S S.Is. In view of the fact that the direction No.4 was allowed to become final, necessarily direction No.6 has to be complied with before making any recruitment as contemplated in second part of Direction No.6. It would be open to the Govt. to follow the direction issued thereudner as and when reversion is to be made, they should necessarily follow the principles laid down therein. If any direction issued by the High Court is required to be clarified with, the respondents are free to approach the High Court and seek necessary clarification which would be done consistent with law. The appeals are accordingly allowed."

5. Consequent to the said directions, again the matter was reviewed by the Director General and Inspector General of Police, and the Government through G.O. Ms. No. 301, Home (Pol.C) Department, dated 05.08.1996 issued orders to the following effect:

1. "All the 11 (eleven) petitioners be sent for six months Refresher Training to PTC in compliance of Direction No.4 as they have passed the initial test and then only promoted as S.Is. by the Superintendent of Police, Kurnool.
2. All of them be repromoted as S.Is. notionally from the date of their reversion as the reversions not in accordance with the direction No.6 as confirmed by Supreme Court.
3. Their services as O/S S.Is. be regularized after completion of the refresher course training with retrospective effect as their reversion as HCs is irregular."

6. Again aggrieved by the said orders of the Government, one Mr. B. Mutyala

Naidu and others, who were seniors to the applicants, filed O.A. No. 5575 of 1996 and batch. The Tribunal, however, set aside the order on 22.03.1999 and allowed the O.As. As against the said orders of the Tribunal, the present writ petitions have been filed. It is also on record that by virtue of the interim orders passed either by the Tribunal or by this Court from time to time some of the Head Constables were sent for training for consequential promotion to the posts of Sub-Inspectors of police.

7. Learned counsel appearing for the writ petitioners submits that the order of the Tribunal is wholly illegal and contrary to law. It is submitted that the Government after consideration of the entire matter, consequent on the orders passed by the Supreme Court, reviewed the matter and passed the orders in G.O. Ms. No. 301, dated 05.08.1996. However, the Tribunal, holding that the action of the Government was not proper, set aside the order of the Government, which is illegal and contrary to law. It is further submitted that by virtue of various orders passed from time to time and in view of the amendment provided for promotion from Head Constable to Sub-Inspector on the basis of seniority, juniors to some of the petitioners were sent for training and some of the seniors were left out even though they are entitled for refresher training, which is a pre-requisite for regular appointment to the post of Sub-Inspector. Hence, he submits that the order is liable to be set aside.

8. Learned Government Pleader and other counsel appearing for the impleading parties and unofficial respondents submit that as the Tribunal has considered the contention of the Government in the impugned order, and found that inconsistent statements were made, the order passed is quite legal and valid.

9. Though much water had flown right from 1988, the real crux of the problem has not been solved. As can be seen from the record, in 1988, Superintendent of Police, Kurnool District, promoted about 14 Head Constables in the District. At the relevant time, the rule position in the A.P. Police Sub-ordinate Service Rules as well as in the Police Manual was that the promotion should be effected on the basis of merit-cum-ability and seniority being considered only when former is approximately equal. It is noticed by the Tribunal that no zonal seniority list was prepared while promoting the Head Constables during 1988-1989 by the Superintendent of Police, Kurnool and the said promotion was not in accordance with the relevant rules in vogue at that time. The Tribunal,

observed that the applicants in O.As. were appointed as Police Constables during 1973-74 and promoted as Head Constables during the year 1980 and they are seniors to the unofficial respondents. But, however, the unofficial respondents were promoted. Even in the seniority list of Head Constables, the unofficial respondents are juniors to the applicants. The Tribunal, further found that there were lot of inconsistencies in the counter filed on behalf of the Government. It observed as follows:

> "There are lot of inconsistent versions in the counters filed on behalf of the Government. In the counter filed in O.A.No.5773 of 1996, it was stated that the unofficial respondents have passed the test and interview and thereafter promoted as Sub-Inspectors of Police by S.P., Kurnool but it is not specifically stated in which year a test was conducted and who have passed and on what date the test was conducted and on what dates the interviews were held. At one place they say that they have been appointed by the S.P., Kurnool and also by the DIG of Kurnool, but admitted that the S.P., Kurnool promoted the unofficial respondents as OSSIs based on the district seniority list which is not proper. In fact, based upon the zonal seniority list the out of seniority promotions have to be affected. The said fact is admitted. In the counter filed in O.A.No.5333 of 1996 in para-4, it is specifically admitted that the unofficial respondents were promoted as OSSIs irrespective of their district seniority by the S.P., Kurnool who is not competent to issue such promotions, as the post of Sub-Inspectors is zonal post and the DIG of Police, the zonal head is competent authority to issue promotion orders to qualified Head Constables as Sub-Inspectors on regular or out of seniority basis. Therefore, taking into consideration all these facts, the unofficial respondents were reverted during 1990-1992. Rule 2 was amended in G.O.Ms.No.585, Home (Police-C) Dept., dated 07.10.1991 with retrospective effect from 1990. This G.O. was quashed by this Tribunal in its judgment dated 15.04.1994 in O.A.5800/92 and batch. As per the directions of the Tribunal, Government issued G.O.Ms.No.787, dated 16-11-1994 and G.O.Ms.No.215, dated 14-7-1995, amending the rules and order No.107 of A.P. Police Manual I to the effect that service seniority-cum-fitness is the criteria for promotion to the posts of Sub-Inspectors. As per the above rules qualifying examinations were conducted to all eligible Head Constables/A.S.Is in the year 1990 by the DIG of Police, Kurnool Range, Kurnool, who is the competent authority. The said examination was taken up by the applicants as well as the unofficial respondents. Aggrieved by the same, the unofficial respondents moved the Apex Court in S.L.P.Nos. 604 to 606/96. The Supreme Court while dealing with the directions given by the Tribunal in the conclusive para observed as follows:

"In these cases, we are not concerned with these contingencies. We are concerned with reversion of the appellants from the posts of Temporary OSSIs. In view of the fact that directions No.4 was allowed to become final, necessarily direction No.6 has to be complied with before making any recruitment as contemplated in second part of direction No.6. It would be open to the Government to follow the direction issued thereunder and when any reversion is to be made, they should necessarily follow the principle laid down therein. If any direction issued by the High Court, is required to be clarified with, the respondent are free to approach the High Court and seek necessary clarification which would be done consistent with the law. The appeals are accordingly allowed".

10. Taking into consideration the observation of the Supreme Court, the Tribunal found that the Government did not consider the matter in proper perspective while issuing G.O. Ms. No. 301, dated 05.08.1996, and accordingly set aside the same. The Tribunal, in this regard, observed as follows:

"The reading of the judgment reveals that the Supreme Court gave directions and according to that only the official respondents should act while affecting the promotions and reversions. The official respondents have taken several inconsistent versions in their counters filed in these cases. While contending that irregular appointments and promotions were given to the unofficial respondents by the S.P., Kurnool based upon the district seniority list, the official respondents again want to support the unofficial respondents. We find there are no valid and tenable grounds for the Government to issue the impugned G.O.Ms.No.301, dated 05.08.1996 in favour of the unofficial respondents. In view of the above referred facts and circumstances and discussion referred to above, O.A.No.5334 of 1996, O.A.No.5575 of 1996 and O.A.No.5793 of 1996 are allowed by setting aside G.O.Ms.No.301, dated 05.08.1986 and the consequential proceedings D.O.No.818/96/C.No.1/4072/96, dated 27.08.1996 and C.No.62/C1/1996 of August, 1996, with a further direction to the official respondents to verify whether any test was conducted during 1989 under the old rules and whether the unofficial respondents have passed the said tests, and that any interviews were conducted and whether promotions as OSSIs have been made in accordance with rules existing then and the respondents are also further directed to verify as to who has passed the general test conducted for the applicants as well as to the unofficial respondents during 1990 and the steps taken thereafter and while effecting promotions and reversions they should follow the directions given by the Tribunal which have been confirmed by the Supreme Court. O.A.No.5333 of 1996 is disposed of with a direction to follow the directions given above in making the promotions and reversions. As per the interim order granted, the applicants should not be reverted if not already reverted, but by the time the interim order was granted, the applicants

were already reverted and hence the interim order could not be implemented. Accordingly the VMA is allowed by vacating the interim order. CA is also accordingly closed. In view of the orders passed in OAs., no further orders are necessary in MAs. and they are accordingly closed. No costs."

11. Thus, we find that the Tribunal has given cogent reasons for coming to the conclusion that the G.O. was not issued on the lines as directed by the Supreme Court which confirmed the guidelines issued by the Tribunal. We have also gone through the material, furnished by the parties, and we find that the irregularities are writ large either for the reason that the authorities could not appreciate the rule position in proper perspective or did not follow the rules as existed at the relevant time. Under those circumstances, the Tribunal has quite rightly set aside the G.O. and granted various directions. We find that to make matters more clear and not to give room for further complications while disposing the writ petitions we issue the following directions:

1. The vacancies of the posts of Sub-Inspectors which arose prior to the amendment coming into force viz., 18.11.1990 shall be assessed by the D.I.G. Kurnool Range and the select-list of the promotees shall be prepared on the basis of merit and ability, seniority being considered only when merit and ability are approximately equal. It has to be ensured that if the merit and ability was already assessed on the basis of Zonal seniority list, such candidates need not be again subjected to the screening afresh. Such of those candidates, who were not selected on the basis of principle of merit and ability and who are being continued as Sub-Inspectors of Police on OSSIs basis shall stand reverted.

2. The authorities shall undertake second review and ascertain the availability of vacancies in the cadre of Sub-Inspectors in Zone-IV, which arose subsequent to 18.11.1990 and upto 15.04.1996, the date on which the Supreme Court issued the directions, and shall fill up those vacancies on the

basis of revised norms viz., seniority-cum-fitness and thereafter, in respect of the vacancies that arose after the judgment of the Supreme Court, the candidates shall be put in the select-list and sent for training for promotion to the post of Sub-Inspectors, and they shall be promoted on the basis of the principle, as indicated above.

3. If any candidate is working as Sub-Inspector on OSSIs basis and if he is found not selected in the reviews undertaken as above, they shall stand reverted. However, any reversions made shall be in accordance with the directions granted by the Supreme Court on 15.04.1996 in the SLPs referred to above. This exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

12. It is, however, contended by the learned counsel, Mr.P.Suresh Reddy, who is appearing for directly recruited Sub-Inspectors, that their seniority is being affected in the process of review. We are not inclined to record any finding on this aspect. Whenever a tentative seniority list is prepared in respect of the posts of Sub-Inspector at Zonal level, which includes directly recruited Sub-Inspectors as well as promotees, it is open for them to make appropriate objections and the same are required to be considered and decided as per rules.

13. With the above directions, the writ petitions are dismissed. No costs.

_____ G. BIKSHAPATHY,J

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P.S.NARAYANA,J

Dt.14-12-2004

Lvl/usd

To

1. The Registrar, A.P.Administrative Tribunal, Hyderabad.
2. The Principal Secretary, Government of Andhra Pradesh,

   Home (Police) Department,

   Secretariat, Hyderabad.
3. The Director General and Inspector General of Police,

   Andhra Pradesh, Saifabad, Hyderabad.
4. The Inspector General of Police, L&O, R.R. District, Hyderabad.
5. The Deputy Inspector General of Police, Kurnool, Kurnool Range,

   Andhra Pradesh.
6. The Superintendent of Police, Kurnool District.
7. Two CCs to G.P. for Services I, High Court of A.P., Hyderabad (OUT).
8. Two CD copies.